### **EXHIBIT 10 (part 2)**

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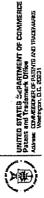
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This is a commutation from the examinar in charge of your application. COMMISSIONER OF PATENTS AND THADEMARKS

## NOTICE OF ALLOWABILITY

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## NOTICE OF ALLOWANCE AND ISSUE FEE DUE

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THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MENTE IS CLOSED.

THE ISSUE FEE MUST BE PAID WITHIN THREE MONTHE FIOM THE KAÜTING DATE OF THIS MOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATILIDIY FERIOD CANNOT BE EXTENDED. HOW TO RESPOND TO THIS NOTICE:
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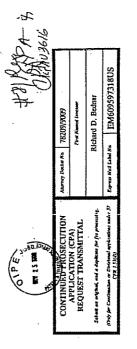
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A. If the status is clurryed, pay throw the amount of the FEE DUE shown above and neithy the Patent and Trademank Office of the clarker in status, or B. If the status is the surge, pay the FEE DUE shown above, a sufficient of 12 the FEE DUE shown above.

II. Plat B-Laue Fee Transmittal should be completed and instrumed to the Patient and Trademark Office (PTO) with your ISSUE FEE. Error in the ISSUE FEE. Error at the ISSUE FEE. Error at the ISSUE FEE. Error at the ISSUE FEE. ISSUE ISS

BAPORTANT REMINDER: Utility palents leauling on applications filed on or after Dec., 12, 1960 may require payment of milhitamene fees. It is palenties's responsibility to sensure timuly payment of mathiensore fees to the parties of the sensure timuly payment of mathiensore. The sensure timuly payment of mathiensore.

PATENT AND TRADECLARM FROM DESCRIBE CRESS AND TRADECLARM OFFICE CORP.



This is a request for filing a continuation application under 37 CFR 1.53(d), of the below-identified coperiding patent application which is hereby abandoned:

Assistant Commitstioner for Patents Box CPA Washington, B.C. 20231

Seriei No. 00174, 141 Filed: Februar 3, 1997 Hehard D. Bedare Graup Art Unit 350 Examiner T. Mallas 'QANG-TYFE ROTARY LAWH MOWER"

An intomation Disclosure Staterant is enclosed including copies of Cled palents(reforences. The filing ise has been calculated as shown below.

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February 3, 1858 Appears Richard D. Bednar Apy, Dodest No. 78209/8009

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FOREIGN PATENT DOCUMENTS

EN 13 TO THE UNITED STATES PATENT AND TRADEMARK OFFICE GROUP ART UNIT 3616 Patent Application of Richard D. Sednar

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# INFORMATION DISCLOSURE, STATEMENT PURSUANT TO 37 CFR 51.97(b)

GANG-TYPE ROTARY LAWN HOWER

Examiner: Helius, T.

Filed: February 3, 1997 Serial No. 08/744.141

Assistant Commissioner for Fatents Washington, D.C. 20231

reference is not known, Applicant admits that it is prior art. respectfully requested. This information disclosure statement accompanies a continued prosecution application that is being reference which is listed on the attached Form PTO-1449 and a consider this reference. This reference is relevant in that it discloses a welk-behind rotary mower with a rear roller. Applicant submits that this reference does not affect the copy of which is attached. Citation of this reference is filed solely for the purpose of allowing the Examiner to allowability of the cisios. Although the date of this Hospectfully gubmitted. The Examiner's attention is directed to the

Pile No. 78209/9009

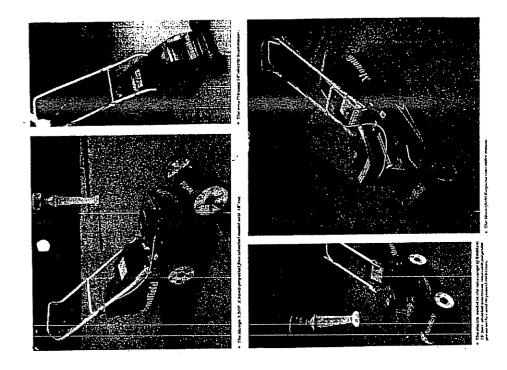
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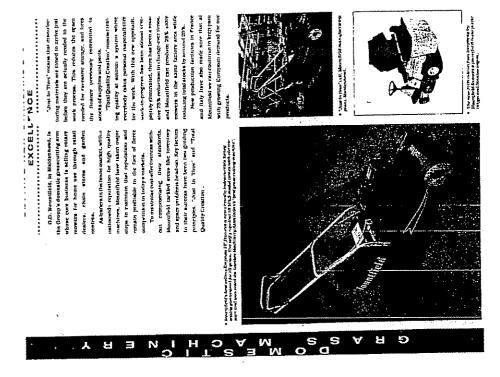
Michael Bast & Friedrich LLP 100 East Hisconsin Avons Milwaukee, MI 53202-4108 (414) 271-6560

(Ves several shasts Kneckskay) information execlering Statement by Applicant Document Prantee Form PTO-1449 Exembra OTHER DOCUMENTS (Including Author, Title, Date, Portinent Pages, Etc.)

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08/794.141 02/03/97 DEDHAR APPLICATION HO. FILLING DATE

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Commissioner of Patents and Trademarks

Please find before and/or attached an Office communication concerning this application or proceeding.

Application/Control Number: 08/794,141

Page 2

Art Urait.

### DETAILED ACTION

Response to Amendment - CPA Filing

The request for filing of a CPA has been granted with the following effect :

1) Claims 7-9 and 11-20 return allowable over the art of record.

2) Claim 3 remains canceled.

3) The remaining claims will be addressed below.

## Claim Kejections - 35 USC § 103

f. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness

rejections set forth in this Office action.

(4) A parter noy not be obtained bough the tiveration is not identically distributed or documbed as not furth in rection 10.0 of this infe; if the difference between the neityest matter resight to be partered and the proof at Law end that the arthrive matter as when would have been obvious at the time; the invention was made to a perred having enfourny that in the na to which said to be perred having enfourny that in the na to which said to helpest manne rection. Petencialitying shall not be negativised by the manner or when the presentant was made to a perred.

2. Claims 1, 2, 5, 6 and 10 are rejected under 35 U.S.C. 193(a) as being unpatentable over

Smith (5,297,378) in view of the Mountfield brochure.

The Smith reference was set forth in the previous Office action.

The Mountifield brochure shows the use of a rear mounted roller for a rotary blade

mower (see the Mountfield Empress on the second page for example)

Application/Control Number: 08/794,141

Page 3

Art Unit:

As for the claims, to modify the Smith device to include a phanlity or rotary blade assemblies (with associated rear rollers) would have been considered an obvious modification to

those skilled in the art at the time the present investion was made, particularly in view of auch an

errangement for a rotary mower as set finith by the Mountfield brackura.

Allawahle Sabject Matter

3, Claim 4 is objected to as being dependent upon a repected base claim, but would be

abowable if rewritten in independent form including all of the limitations of the base claim and any

intervening claims.

Conclusion

Any inquiry concerning this communication should be directed to Examiner Terry Melius

at (703) 308-1113.

The Examiner can normally be contacted any time Monday-Thursday.

Primery Regular

Primary Examiner Art Unit · 3671

TLMAlm

1-25-1999

a power source which is mounted on the frame and which drives at least two a frame supported by fizza, and fixst wheels for movement over the ground, i. (Second Amendment) A gung-type rotary tawn mower comprising of the wheels,

an operator's seat mounted on the frame,

at least two side-liv-side front rotary cutting deck assemblies mounted on the frame in front of the front wheels, the front deek assemblies defining a gop between a steering system enabling the operator to steer the fawn mower, adjacent front deck assemblies, mad at least one rear rotary cutting deck assembly mounted on the frame behind the front deak assemblies and between the front and trar winely, each rear deak assembly obout a generally vertical axis within the space, at least one cutting blade mounted on the spindle for rotation therewith, and a rear roller supporting the deck for movement each of the front and rear deck assemblies meluding a single-spindle cutting deck defining a downwardly opening space, a single spindle mounted for rotation being afigned with a respective gap between adjacent from deck assemblies, over the ground, the deck having a width such that the roller extends across

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AMENDMENT B

gang-type rotary lawn mower

Filed: Fehruary 3, 1997 Serial No. 08/794,141

Richard D. Bednar

Examiner: Melius, T.

Assistant Commissioner for Patents Washington, D.C. 20231

in response to the Patent Office action mailed January 29, 1999, please amend

the application as follows.

IN THE CLAIMS

substantially the entire width of the deck.

IN THE PTETE STATES PATENT AND TRADEMAIN OFFICE #///

GROUP ART UNIT 3616

- (Second Amendment) A gang type rotary lawn mower comprising a frame supported by wheels for movement over the ground,
- a power source which is mounted on the frame and which drives at least two

in operator's scal mounted on the frame,

a stecting system conbling the operator to steer the lawn mower,

at least two side-by-side front rotary cutting dock assemblies mounted on the

frame, the front deck assemblies defining a gap between mineent front deck nsemblies, and at least one rear rotary cutting deck assembly mounted on the frame behind the from dock assemblies, each rear dock assembly being aligned with a respective gap netween adjacent front deck assemblies,

plates, and the other of the cross member ends being connected to the other of the sidt opposite, laterally-spaced ends, one of the cross member ends being connected to one each of the front and rear deck assemblies including a pair of interally-spaced jownwardly opening space, the deck being mounied between the side plates, a single horizonial axis extending in the forward-rearward direction, the cross member having movement about the generally horizontal, laterally-extending axis, and the lower end pindle mounted for rotation about a generally vertical axis within the space, and at deck assembly in connected to the frame in part by a cross member connected to the least one culting blade mounted on the spindle for rotation therewith, wherein each generally horizonial, laterally-extending axis adjacent the forward ends of the side respective downwardly extending arms, the arms having respective lower ends, the <u>zencrally venteally-extending side plates, a single-spindic cuting dock defining a </u> lower and of one of the arms haing connectal to one of the side plates for pivotal frame for pivotal movement about a generally vertical axis and about a generally horizonial, laterally-extending axis, the ends of the cross member having thereon of the other of the urms being connected to the other of the side plates for pivotal plates of the associated deck assembly for pryotal movement about the generally of the side plates of the associated deck assembly for pivotal movement about a movement about the generally harizontal, laterally-extending axis.



a franc supported by wheels for movement over the ground,

a power source which is mounted on the frame and which drives at least two

of the wheels,

an operator's seat mounted on the frome,

at least two side-by-side front rotary cutting deck assemblies mounted on the

a steering system enabling the operator to steer the lawn mower,

frame, the front deck assemblies defining a gap botween adjacent front deck assemblies, and at least one rear rotary cutting deck assembly mounted on the frame behind the from deck assemblies, each rear deck assembly being aligned with a respective gap between adjacent from dack assemblies,

plates, and the other of the cross member ends being connected to the other of the side direction, the outer leg having an outer end, and wherein the cross member is mountal horizontal, interally-extending axis, wherein each of the deck assemblies is connected each of the front and rear deck assemblies including a pair of laterally-spaced. horroonal axis extending in the forward-rearward direction, the cross member baying to the franc by a respective generally L-shaped, horizontally-extending arm having a downwardly opering space, the deek being mounted between the side plates, a single opposite, intensity-spaced ends, one of the cross member ends being connected to one spindle mounted for rotalion about a generally vertical axis within the space, and at deck assembly is connected to the frame in part by a cross member counceded to the least one culting blade mounted on the spindle for rotation therewith, wherein each generally horizonial, laterally-extending axis adjacent the forward ends of the side senerally vertically-extending side plates, a single-spindle cutting deck defining a laterally-extending inner leg with an inner end connected to the frame for pivotal frame for prvotal movement about a generally vertical axis and about a generally plates of the associated deck assembly for pivotal movement about the generally of the side plates of the associated deck assembly for pivotal movement about a movement about a generally horizontal axis extending in the forward-rearward direction, and the arm having an outer teg extending in the forward-regerand on the couler end of the outer leg.

## HEMAKKA The Examines's redication that claims 7-9 and 11-20 remain allowable and that

have been amended to provide antecedent basis for the side plates.

Claims 1, 2, 5, 6 and 10 have been refected as being unwateritable over Smith

claim 4 contains allowable subject matter is gratefully acknowledged. Claims 7 and 8

Claims i, 2, 5, 6 and 10 have been rejected as being unpatentable over Smith in view of Mountfield. Reconsideration is respectfully requested.

Claim is specified as gauge type rounty lawn mower comparising, among other things, at least two side, by side front rolay claim deck assemblies mounted on the frame in front of the front notay claim deck assemblies mounted on the frame in front of the front and at least one rear rolay cutting deck assembly mounted on the frame behind the front deck assemblies and shewern the front and rear wheels, each tear deck assembly being aligned with a respective gap between adjacent front deck assemblies, each of the front and rear deck assemblies including a single-spindle cutting deck and a rear roller supporting the deck for movement over the ground, the deck having a width ruch that the roller extreads across substantially the centre width of the deck. This construction is not suggested by any of the cited references taken alone, and is not suggested by each which were originally relied upon by the Exammer and which teach gange type mowers. The Exammer has taken the position that it would have been obvious to modify Smith in view of Mountfield, which itselves a walk-behind rolay mower with a rear roller. Applicant respectfully disagrees.

Claim 1 has been amended to emphasize the fact that Applicant's urvention is a frame-mounted, gang-type, single-blade rotary deck mower with each deck having a resar roller extending substantially all the way serous the deck. This constitution is not suggested by the cited references.

A lawn mower designer faces many chorces. Rolary or real? Riding or walk-behind? One recelldeck or gang-type? Franchmounted or low-behind? Single-blade deck or multiple-blade? Rear roller or not? Not all cambinations of these features are nossible or desirable, or perhaps more importantly, thought to be deartable. The choices are influenced by many factors, but the intended use of the mower is probably must agailfeant.

As explained in the Deckground of the Invention portion of Applicans's specification, rotary mowers have typically not been used to cut golf course roughs, which require close timming and the ability to cut undulating terrain at a relatively abort length. Tow-briting gangs are also undestrable for this purpose. France

mounted red mowers, usually gaug-type, have been used almost exclusively for cutting golf course roughts. Nobedy prort to Applicant has recognized the desirability of uting, or figured out how to use, gaug-type rotary mowers to cut golf course roughs.

Smith and Nunes reflect the state of the art with respect to gaug-type lawn mowers. While gaug-type mowers and walk-behind mowers often have common features, features of the two types of mowers are not necessarily interchangeable.

Smith and Nunes teach that both red mowers are not necessarily interchangeable.

Smith and Nunes teach that both red mowers are retary mowers can be used in gaugity present and retary mowers can be used in gaugity present and retary mowers are noted that although red mowers, but neighbors to set deed. It is interesting to note that although red mowers, buth gaugitype and walk-behind, have had such rear rollers for decades, parg-type rotary mowers have rearly (Mountied); had nuch rear rollers, and even walk-behind rotary mowers have rearly (Mountied) is the extra rollers, and even walk-behind rotary mowers have rearly (Mountied) in the office of hindeight, that it would lave been obvious to make a change that was contrary to conventional wisdom in the sat of gang-type mowers.

Referring to the above-mentioned choices faced by a lawn mower designer, it a golf course rough, it was not thought destrable to use a frame-mounted, gang-type. undestrable, depending on the intended purpose. If the intended purpose was cutting make that construction non-obvieus, and that such absence may simply indicate that substantially all the way across the deck on a single-deck walk-behind mower does not make it obvious to use such a rear roller on a frame-mounted, gang-type, rotary deck mower as claimed by Applicant. The considerations are completely different, and the combination would not have been obstoux, as is evidenced by the fact that, notwithtlanding the hundreds of patents directed to lawn mowers, not a single one has not been merely a matter of picking any combination of the listed options. As construction for any propose. That is why Smith and Nunes do not suggest such a argument saying the absence of a patent showing a claimed construction does not the combination was so obvious that nobody bothered to claim it, but that countersubstantially all the way across the dock. In fact, it was not known to use such a construction. Moreover, the fact that Mountfield teaches a rear roller extending suggests the claimed combination. (Applicant is aware of the standard counterexplained above, certain combinations were thought to be either destrable or sngic-blade rotary dock mower with each deck having a rear roller extending

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UNITEE . 'ATES DEPARTMENT OF COMMERCE PAIGNT EN Trobance Office Address CONVESSORIO OF PRIENTS AND TRUBUMPS MANAGED TO SECULIA.

ATTORNEY DOCKET HO. ART DATE PAPER NAMEEN 7820979009 EXAMPLES FEIST MAKED SWENCH PM62/0604 03/754,141 (02/03/97, BEHUNE APPLICATION IN FILMS DATE

06/64/99

3471 DATE HALED:

DAVID R PRÍCE MICHAEL REGT & FRIEDFICH IND EAST MISCONGIN AVENUE MILMAINEE WI 53202-4108

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Palenta and Trademarks

1. The Cars

FTD RC (FIN. 186)

claims 1, 2, 4-6 and 10, in addition to the previous allowance of claims 7-9 and 11-The undersigned is available for telephone consultation at any time. 20, are respectfully requested.

In view of the foregoing, eatry of the above amendment and allowance of

Accordingly, claim I and dependent claims 2, 4-6 and 10 are allowable.

forward in the art, as has been demonstrated by the commercial success of Applicant's suitable for cuting a golf course rough. Applicant's invention is not just an arbitrary, maintenance than a reel mower. Applicant has invented the first rotary mower that is

lawn mower, which has now been copied by at least two competitors.

minor improvement over the prior art. Applicant's invention is a significant step

Applicant has invented a lawn mower that is, as explained in the Summary of

the Invention portion of Applicate's specification, a tremendous improvement over

the known prior art, because a rotary mower typically requires substantially leas

argument is specious in this crowded art in which lawn mower munufacturers palent

every little improvement made.) In this case, Applicant has made a significant

improvement that was not obvious to those of ordinary skill in the art.

File No. 78209/9009

Michael Best & Friedrich LLP 100 East Wiscontin Avenue Milwaukee, WI 53202-1108 (414) 271-6560

teg. No. 31,557

Part of Paper No. 12

- SEE OFFICE ACTION ON THE FOLLOWING MALES -

Office Action Summary

P10-326 (Ray, 9-95)

08/794,141	
Number: 0	
/Control 1	129
Application	Art Unit: 36
•	

Response to Amendmens

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness

rejections set forth in this Office action:

(a) A parent may not be obtained though the porations (a not identically disclosed or described as set footh in section 100 of this title, if the differences between the redylect miltar wought to be natured and the prior as men had not perfect means as whole a would have been obvious at the face the investice was made to a persons having opening a gentary abili to the set to which and analyses macrae pertuins. Parenability that is not be regarded by the nature of a which the streaming was made.

2. Claims 1, 2, 5, 6 and 10 are rejected under 33 U.S.C. 103(a) as being unpairatable over Smith '378 in view of the Mountfield trochure as set forth in the previous office action.

In reference to the applicant's arguments is the following: The Smith reference is employed to clearly show that it is well known in the art to position "gaaged" nower units in locations with respect to the vehicle frame and wheels as claimed by the applicant. The Nuncareference was also employed in an earlier rejection (paper #4) to display the obviousness of providing mowers having vertical cutting shafts in such a "ganged" relationship. This rejection has since been vacated in view of the above rejection and there rendering the applicant's arguments in reference to Nunes moot. However, because the applicant has discussed Nunces as teaching of the general rate of the art, the examiner will address these usues. Firstly, as shown teaching of the general rate of the art, the examiner will address these usues. Firstly, as shown

A shortened including period for response to this scried is set to explice 2 monthlot, or thing days, whichever deposits the making date of this accommendation. Fellure to reasond within the period for response will council application to become absenderal. (38 U.S.C. § 133). Extenders of time may be obtained under the provisions of 37 CPR 1.136(8). U. Since this neakearion is in condition for atomeneo except toy forms maillors, propradom as to the meets is closed in accordance with the offertier undor *Experte Quark*, 1935 C.D. 11; 453 D.G. 213. dine withdrawn from consideration erd subject to restriction or election requirement. talore pending in the application. tatere objected to. istore allowed. istere rejected. 's Uhploved Champrovad. [.] received in this national stage application from the international Dursau (PCF flush 17.2(a)). In Action weekpersent is made of a claim for foreign priority under 35 U.S.C. 1 119(a)-(d).
U.A. (1) Some\* [I Mane of the CRITIFIED copies of the priority documents have been Acknowledgement is made of a claim for demastic pricety under 35 U.S.C. § 118jej. tates objected to by the Exeminer, 🖒 Sea the stinched Natico of Dialispeison's Palent Diawing Haview, PTO-S40. Rubert Pertura Application Ho. COITER, 141 L' received in Application No. (Series Code/Serial Number) 38 Notice of References Clear, PTO-0932

Thirdmatton Displaces Statementer, PTO-1449, Proes Notes)

Thirtwise Summary, PTO-113

Theore of Undersorson's Preset Dewing Boylew, PTO-048

Refers of Informati Patent Application, PTO-152 P The oath or decision is objected to by the Examiner, (V) Responsive to communication(s) (bad on May 3, 1999) C The specification is objected to by the Exeminer. 🖳 The processed diewing consciton, filed an Office Action Summary Certified capies not received: N Cloruta 1, 2, 5, 6, and 10 R Counts 1, 2, and 4-20 2 Comist 7.9 and 11.20 Priority under 35 U.S.C. § 119 Of the above, cialm(s) F. The drawing(s) filest on X This action is FINAL Disposition of Colima M Cemis, 4 🗓 razzived. Application Papers C Coleman

Puge 2

Application/Control Number: (187794,141 Art Unit: 3671

Page 3

Nuncs specifically discloses (column 1, lines 5-7) that it is well known to employ a mower having apparatuses to render an obvious device which would preform in a manner obvious to one having having citlica vertical or horizonal shafts (rotary or recitype mowers) in a "ganged" orzasyement Also, both Nunes and Smith as well as other teachings in the art (i.e., Crocraft '507) show that it vertical shafts (rotary type) in a golf course maintenance roll. Both the Maunifield brochure and substantially across the width of the cutting deck. In regards to the opplicant's device as claimed 18 well known to vary the relative positions of the ganged members and cutting blades. Further, Cractast teach that it is well known to provide a rotary mower with a rear mounted support roller by both Smith and Nunes, it is clearly well known in the art to mount a piurality of mower units in claims 1, 2, 5, 6 and 10, it appears that the applicant Is combining known features of known device and Mounifield specifically teaches to provide such a roller having a length as to exist ordinary skill in the art.

### Allowable Subject Matter

allowable if rewritten in independent form including all of the limitations of the base claim and any Claim 4 is objected to as being dependent upon a rejected base claim, but would be intervening claims.

Application/Control Number: 08/794,141

Page 4

An Unit: 3671

Claims 7-9 and 11-20 are allowed.

Applicant's arguments filed May 10, 1999 have been fully considered but they are not deemed to be persuasive. Accordingly, THIS ACTION IS MADE FINAL. See M.P.I.P. § 706.07(a). Applicant is reasonded of the extension of time policy as set forth in 37 C.F.R. A SHORTENED STATUTORY PERIOD FOR RESPONSE TO THIS FINAL ACTION IS SET TO EXPRIE THREE MONTHS FROM THE DATE OF THIS FINAL ACTION, IN THE RIVER ACTION THE BAD OF THE MALLING DATE OF THIS FINAL ACTION AND THE ADVISORY ACTION IS NOT MALLID UNTIL ATTER THE END OF THE THEE-MONTH SHORTENED STATUTIORY PERIOD. THE SHORTENED STATUTIORY PERIOD WILL EXPIRE ON THE DATE THE ACKNOWN ACTION IS MALLED, AND ANY EXTENSION PIE PURSUANT TO 37 C.F.R. § 1.136(0) WILL BE ACKLOUGHED FROM THE MALLING ON THE DATE OF THE ADVISORY ACTION. IN NO EVERY WILL THE STATUTORY PERIOD FOR RESPONSE EXPIRE CATTON. THE STATUTORY PERIOD FOR RESPONSE EXPIRE CATEUR THE STATUTORY PERIOD FOR RESPONSE EXPIRE

telephone number (703) 308-1012. The examiner can normally be reached Monday through Any inquiry concerning this communication should be directed to Robert Pezzuto at Thursday from 7:00 am to 5:00 pm, Easem Standard Time.

Notice of References Chad

PTO-892 (Nev. B-86)

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			U.S. PATENT DOCUMENTS	WEATE			
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7. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr Thomas B Will, can be reached on (703) 308-4078. The fax phone number for this Group is (703) 305-7687

Page 5

Application/Control Number: 98/794,141

Art Unit: 3671

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F-140 P-38/11 F-118

L. Mary K. Volk, hereby comes, that this contraposition to bring year by the tradest transpasses addressed to Assessed Com-IN THE UNITED STATES FATENT AND TRADEMARK OFFICE Choop an Uai 1016

addrawd is Assistant C. Walder, D.C. 2023.

gang-type rotary lawn mower Examine: Pernin, R.

Filsd: February 3, 1997

Serial No. 01/794,141

Patent Application of Richard D. Berhar Assistan Communidade for Pennis Weshington, D.C. 20231

DECLARATION UNDER RULE 132

I, Richard D. Bedans, do herrby declure that:

I wa za sésil cilton of the United States, residing en Lake hella, Wisconia

I am the in most of the invention claimed in the above-referenced pairon spilesses (bateaths the "Gag-type Rotary Mower")

enclufe that my invention would not bave both obvious at the time the invention was mad to a person tanns ordinary skill in the act to which the susject maner pertains. My sovere nisdom, as described benin, sneard manuficturms awny from my invention as a columb provides a unque soludion to a loca; serra mower problem, as described herein. Wha the extensive knowledge base in the waver judancy of movern and that shortcomings, my wention would have been made leng age if it had been obvious. In fact, conventional As one skilled in the art of mowers and their design and construction, I ecisting problems with moveme.

ar being obynius bused an a comhimulon of features found in a munher of patern applications 4. Len told ital some of the citims of my paints application have been rejected

IN THE "INITED. TES PATENT AND TRADEMARK LIFTCE AT 7 | 134 CAN CAROUP ART UNIT 3671

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Mine. 2

GANG-TYPE ROTARY LAWN MOWER

Filed: February 3, 1997

Examiner: R. Permio

Serial No. 08/794,141

Patent Application of

Richard D. Bednar

(10) T (10)

REQUEST FOR EXTENSION OF TIME

Assistant Commissioner for Patents Washington, D.C., 20231

fee required under 37 CFR 1.17(4)(2). Please charge any underpsymem or overpsyment of fees unii November 4, 1999. Charge Deposit Account No. 13-3080 (or \$380.00 in payment of the Applicant hereby requests a 2-month extension of time extending the date for response to this acrount.

360° 86 CH 912:31 14 17/13/1848 \$198E21 0001000#

File No. 78209/9009

Michael Best & Friedrich L.Lp 100 Etst Wisconau Avenoc Milwaukec, WI 53202-4108 (414) 271-6560

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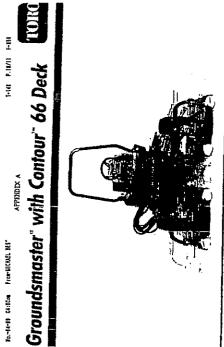
After Rower and that course could be to be to be to be for the first forces rough hay to use, pure 1795 rollly mowers to an golf course rought. Convenional windom in the My norming of individual curing units wild the sections of rest militar, however, made the industry, 2017 obrazus combinativa of frances that valghs give a company a competitive colgéhis likely been uried. Roun, mowers lave typically not been uned to cut godf course roughly erd 2 publication. With the vast number of mover designs and movert ceasurfecarers in the iengta. because nobady prior to me han secopuaed its desirability of asing, or figured out which require class trinsuling and the chility to eut undulators irmain at a telstively shart use of gang-type to tay mowers possible to cut policourse roughs. To the best of my

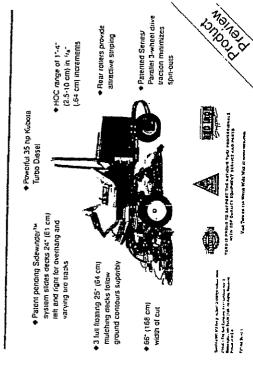
saly s faw yeses syn, is now worth millions of dollars in annosis sales to my company and so My Opin-1799 Rouny Mover investion, which was unknown in the industry knowledge, gang-type totary mowers have acres had such seas tolkers. the companies that copied my taventon. vi

- the problem of scalping grass while mowing over madualinag termen. Previous strawy manust uneven cut heights. This is particularly problematic when the turf is our at or below ground to many years, the worser industry had accountaily sought a solution to tie nelbecave in compensing for elevanca charges to the naf beang moved, resulting is icyel, icaving barren spots.
  - My investing provides a solution to that problem by teaching an apparatul with excellens ground-following and und-vesh characuristies.
- algulfician change from the yefor model. Sains of the unse model tocaled \$1.3 million in 1997. janped to SR 5 milion in 1991, us 6 un projecues to be \$10 million in 1999. The addition of enbodyleg my myrmum was introfuced in 1997. The addition of my myrmion was the oally my invention has more than doubled our mover sales, as compared to our previous andel. Bequise market denyad for gang type mowers tensund relatively sensons between 1997 The effectiveness of my invention as a salution in this long-term problem is eampury's previous gang-type mover eversped approximently \$4.5 million over the years 1995 to 1997, with to applicate intraces or decreases from year to year. Our new model evidenced by the errannanary commercial success of my invention. Annual sales of my

de 1999, de doubling of our nower saler and de newty tendad increase in saler of the new model itself can only be smilmird to the addition of my mycretton to my compuny's mowers. The effectiveness of my invention as a solution to the long-term problem

- wa companies copied my inventon by altering that prevent designs to produce and market nowers enbodying my invention. These two companies now enjoy significant sales of the periously described is sito evidenced by the prouchs! copying of my neventure by compertum manifectures. Muss and Tons, restined the officery of my solution to the problem. These foliaeing public distanur of my iavenica in 1997, st lean two major comparing mower models invesponents my lavenion.
- diplighting a gang-type angle-spinile printy mower in which the mower decks unclude rest فيها المواجعة والمهامة والمالات والمالات المالية والمالية والمالية والمالية والمالية والمالية والمالية والمالية I enclose as Appendix B copies of Nunes selventsements from 1999 i enclase es Appendix A a copy of a Toto advertisement from 1999 rollers. These Tota units were new in 1999 and were not previously evaluate.
- 12. I undantual the score of pending Claim i of my application and conclude that for Tero and John Decre wate. These Muses implacement units were new in 1999 and were Cisin 1 covers the features of my invention that have treatised in the mower's commercial servess and copying by compretions. In odust worth, it is the invention as claimed that not previously available.
  - solution to the problems encountered in moving unfulsting writin. The substantial teerest eles of the Gang-17pe Rolly Mower and the prompt copying by competitors indicate that 13. I helieve thu the success of the Gang-type Rotary Mawer embodying my myendan demonstrates that this Gang-type Rotary Mower falifiks a long-felt need for a consumen and the moven industry, respectively, her my Ging-type Rotury Mowes 16.8 Busides per esacoses s, savetu equ pecoposid
- 14. I herby declars tust all statement made berein of my of an lenguledge are muc and that all spatements made on information and deliast are believed to be true; and farther that the securements were made with the knowledge that within false restructures and the last so previously-asknown solution to their mowing problems



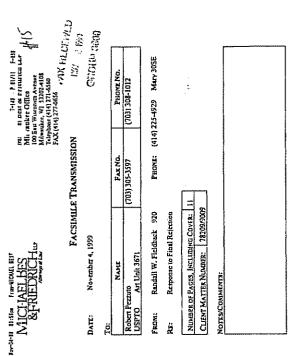


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made ur punithable by fine or impriscents, or both, under Bernan 1861 of the Tale 18 of the United States Code and that such willful false statements may yeopardize the validity of

the application or any pitent towed thereon.

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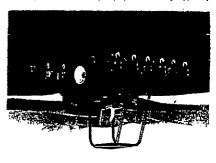
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

GROUP ART UNIT 3671

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE GROUP ART UNIT 3671

Patent Application of

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Filed: February 3, 1997 Serial No. 08/794,141 Richard D. Bednar

GANG-TYPE ROTARY LAWN MCWER Examiner: R. Pezzuto

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REQUEST FOR EXTENSION OF TIME

Assistant Commissioner for Patents Washington, D.C. 20231

独形の目的で

Filed: February 3, 1997

Serial No. 08/794,141

Parent Application of Richard D. Bednar

RESPONSE TO FINAL REJECTION

GANG-TYPE ROTARY LAWN MOWER Examiner: Pezzuro, R.

fee required under 37 CFR 1.17(1). Please charge any underpayment or overpayment of fees until November 4, 1999. Charge Deposit Acrount No. 13-3080 for \$380.00 in payment of the

to this account.

Applicant hereby requests a 2-month extension of time extending the date for response

Assistan Commissioner for Palenis Wachington, D.C. 20231

This is an response to the Final Rejection duted June 4, 1999. A request for an

extension of the time for response is attached

The Examiner's indication this claims 7-9 and 11-20 remain allowable and that cizin

On the merits, the Examiner has essentially repeated his rejections from the print Office Action to which Applicant responded in the Amendment dated May 3, 1999. 4 contains allowable subject matter is gratefully acknowledged.

Claims 1, 2, 5, 6 and 10 have been rejected as being unpatentable over Smith in view of Mountfield or Craeraft. Reconsideration is respectfully requested.

assembly being aligned with a respective gap between adjacent from deck assemblies, each of Claim I specifies a gang-type rotary lawn mower comprising, among other things, at teast two side-by-eide front rotary cuting dark assemblies mounted on the frame as front of the front wheels, and at least one rem rotary culting deck assembly mounted on the frame the front and rear dock essemblies multiding a single-spiralle curing deck and a rear roller supporting the deck for movement over the ground, the deck having a width such that the behind the front deck essemblies and between the front and rest wheels, each tear deck soller extends across substantially the entire width of the deck. This construction is not

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Michael Beat & Friedrich LLP 160 East Wisconsta Avenue Milwaukee, WT 53302-4108 (414) 271-6560

File No. 75209/9009

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The undersigned is available for telephone consultation at any time.

suggested by any of the cited references taken alons, and is not suggested by either Smith or modify Swith in view of Mountfeld, which teaches a walk-behind totary mower with a sear gang-type mowers. The Examiner last taken the position that it would have been obvious to Names, the references which were originally relied upon by the Exammer and which teach roller, or in view of Crecasi. Applicant respectfully disagnos.

1959, because Cracrash doca not teach rollers that exemplacrous substantially the entire width Cracraft does not change the conclusions of Applicant's Amendment dated May 3, of the deed. Greeraft simply has rollers that extend a small part of the distance across the deck and serve the same function as wheels, not the function of Applicant's wider roller.

prior art, because a rotary mower typically requires substantially feas maintenance than a roe! ins callon portion of Applicant's specification, a iremendous improvement over the known demonstrated by the commercial surcess of Applicant's Iswn mower, which has now been Applicant has invented a lawn mower that it, as explained in the Summary of the course rough. Applicant's invention is not just no arbitrary, minor improvement over the mower. Applicant has invented the first rotary mower that is suitable for curting a golf prior ert. Applicant's invention is a significant etep forward in the ert, as has been copied by at least two competitors.

Michael Best & Friedrich LLP 100 East Wisconsto Avenut Milwaukee, W1 53202-4108 (414) 271-6560

File No. 78209/9009

success and prevalent copying of the savantion. As shown by the Declaration, Applicane, so To further demonstrate the unobyneusness of Applicant's mower, Applicant submits less than three years, has made nearly \$20 million in sales to date of the mower embodying herewith a Declaration of Richard D. Bedan; the inventor, demonstraing the commercial the invention, and at least two compediors have altempted to appropriate a state of this market by copying the invention.

effectively maw over undulating terrain, a need which has not been merby any other product Accordingly, independent cisim i and dependent claims 2, 4-6 and 10 are allowable. The aforementioned Declaration establishes the nexus between the claimed invention Applicants mower is not obvious, and that there is a fong-fell need for a mower that can in view of the foregrung, allowance of claims 1, 2, 4-6 and 10, in addition to the The commercial success and copying of Applicant's product demonstrate that and the commercial success and copying of the product embodying the invention. previous allowance of cisims 7-9 and 11-20, is respectfully requested

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Application He. 08/754,141	Examination Report Perruto	1/s sof the final rejection. to of the final rejection, or on the	f paned tot be response etpers: m under 3) CFN 1.130is), the p ve beer (fiel is the date of the rive q snown if the les. Any exten- istationy perhad for response or a	is of the Notice of Appendix States, See 37 CFR 1.1911 March 1999 - See head	like for allowence:	pest and an Appeal Brief.	fustbar consideration and/or note below).	tion in better form for eppea	noxising a corresponding nur		wing rejection(s):		Parelowable clause.	tion has been considered bu	Street Fill.	because it is not dreamd St	ತ ಬ ೮೨ ಸಿರಗಿಂಗಿತ (೨୭६ ಕಗಿಡಬೇಕು			***************************************	menils), FTO-1449, Peper f			Advisory Action
	Advisory Action	THE FUTIOD FOR RESPONSE. (Chack only si or b)]  of [] explose done moves month from the malfry date of the fred rejection, as on the resting size of the declary factor, which resting a time of the fred rejection, as on the resting size of the declary factor, which resting size of the declary factor, which resting to the declary factor of the declar	that is marrow, there was a state of the sta	LAppelant's Brief to due two months from the date of the Moties of Appeal find on period for septements from the workfivener if the ISP 1. 181 (6) 187 (7) 1. 191 (6) 19 (7) 1. 191 (6) 19 (7) 1. 191 (6) 19 (7) 1. 191 (6) 19 (7)	but is NOT become to the series represent the condition for allowence;  The proposed amendmentals:	will be entered upon fling of a Notice of Appeal and an Appeal Brief.     will not be entered because:	(2) they take new issues that would require further consideration and/or search. (See note below). (3) they raise the fissue of new matter. (See note below).	<ul> <li>they are not deemed to piece the application in better form for appeal by materially reducing or samplifying the issues for papeal.</li> </ul>	they present additional claims without canoxing it corresponding number of finally rejected claims	MOTE:	Appigant's insporte has evertione the following rejectionial:		Hearly proposed or emended cleims separate, timely fled emendment cencetting the narretowable cleims.	(S) The shistorit, exhibit or request for reconsideration has been considered but does NOT place the application in condition for allowerser because:	(erecivity set form in the MRI Office Action lower FIZ).	If the elidavit or authit wa NOT he considered because it is not deected SOLELY to tasues which were newly reased to the Exeminer in the final rejection.	De For purposes of Appeal, the status of the claims is as follows (see altacled written exploration, if any):	Claims showed: 2-9 and 11-20	Curms ejected: 1, 2, 5, 5, and 10	The proposed drawing correction fled on	[] Hote the stinched information Disdopure Statements), PTO-1449, Paper Notel.	L. Other		U. 8. 8 Mer. and Statement Officer P.F.O.303 (Rev. B-05)
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I. Mary R. Volk, berety centify that this correspondence is being uent by Machinek provensions addressed to Assistant Commissions for Patent. Watchington, D.C. 10231, on the date of THE UNITED STATES PATENT AND TRADEMARK OFFICE GROUP ART UNIT 3671

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Parent Agencies of GR

Richard D. Bodnar

Filed: February 3, 1997 Serial No. 08/794,141

Examiner: R. Pezzuto

GANG-TYPE KOTARY LAWN MOWER

REQUEST FOR EXTENSION OF TIME

Assistant Commissioner for Patents Washington, D.C. 20231

required under 37 CFR 1.17(a)(2) and the \$\$70.00 fee required under 37 CFR 1.17(a)(3). Please time extending the date for response until November 4. 1999. Charge Deposit Account No. 13-Applicant hereby requests a 3-month extension of time extending the date for response unit) Desember 4, 1999. Applicant proviously requested and paid for a 2-month extension of 3080 for \$490.00 in psyment of the fee roquired as the difference between the \$380.00 fee charge any underpayment or overpayment of fees to this account.

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File No. 72209/9009 Michael Bert & Friochich LLP 100 Earl Wisconard Avenue Milwatten, WI 53202-4108 (414) 271-5560

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE GROUP ART UNIT 3671

i, Hary K. Viul, beredy certify that this correspondence is boldy sent by feetingly transmission addressed to Astrians Proceedings on the Papers. Wathington, D.C. 20231, on the

gang-type rotary lawn mower Examiner, Permito, R.

Filed: February 3, 1997

Serial No. 08/794,141

OC Paternes Of lication of COOkidand D. Bodnar

# SUPPLEMENTAL RESPONSE TO FINAL REJECTION

Assistant Commissioner for Patents Washington, D.C. 20231

response to final resection sulmitted on November 4, 1999. A request for an extension of the This is in response to the Final Rejection dated June 4, 1999 and supplements the

The Examiner's indication that claims 7.9 and 11-20 remain allowable and that claim ime for the additional month needed for this response is attached

4 contains allowable subject matter is gratefully acknowledged.

Claims 1, 2, 5, 6 and 10 have been rejected as being unpatentable over Smith in view

Obvioumess under 35 U.S.C. § 103 is a legal cocclusion, which requires the of Mountifield or Cracraft. Reconsideration is respectfully requested.

resolution of four preliminary factual inquiries:

I) the scope and content of the prior art

2) the differences between the claims and the prior art,

4) secondary considerations, if any, of nonobviousness 3) the jevel of ordinary akill in the pertarm art, and

as commercial success due to the unvention, long-felt but umresolved need, and copying of the <u> 28 Inivoral v. Rudkin-Wiley Corp.</u> 837 F.24 1044, 1050 (Fed. Cir. 1988), karı, danisd. 488 U.S. 825 (1988). Secondary considerations include objective indicia of nonobviousness such

Sec-11-33 Clubby From-Highlich KSS & FRIEDRICH LLP

invention in preference to copying the paor 24. See <u>Graham y John Dress & Co.,</u> 383 U.S. 1, 17-18 (1966); <u>Pandmil Corr - Dermen Mig.</u> 810 F.2d 1561, 1566-1568 (Fed Cir. 1987), <u>cert\_denict</u>, 481 U.S. 1052 (1987). Such objective evidence of obviousness

INSE PLEAVE When DEESTIE DE ROLLIGEREN ON TOUCE DE A GELTEMBRISCOL OF OBVOILLEISES DOCUMES, CANGEREN OF SECONDEN, CONSIDERATION BANK OF DE DE UNE TROCHEN VER ALL CORPORT OF THE SECONDEN PARTIER DE LEVE PRICE OF THE PETCH A. I HAVE OF BELLE SERBILLE DE LEVE OF THE SERBILLE PLAN DOCUMENT OF THE PROPERTY OF THE OBJECT OF THE

Uninyal, 837 F.2d at 1053 (cuphasis edded) (quoling Stretofler, *los. y, Ac*roquip Corp., 713 lahasen & Son. Inc. 919 F.2d 720, 725 (Fed. Cir. 1990) ("{A}n analysis of obvioumess musi F 24 1530, 1538-39 (Fed. Cfr. 1983)). <u>Szz alsa Graham</u>, 383 U.S. 21 35; <u>Gillette Co. Y. S.C.</u> address objective evidence of nonobvirument).

(evidence of secondary considerations "must always, when present, be considered en reute to Aithough offen immed "secondary," the Federal Circuit has noted that these objective factors highlighted in <u>Craham v. John Deans</u> are often the most probative ovidence of non-Assost. v. Garlock, Inc., 721 F.24 1540, 1553 (Fed. Cit. 1983), <u>ext., denied</u>, 469 U.S. 851 abrionances, because all other evidence is potentially tained by hindsight. W.L. Gote & a determination of obviousnets'); [ILZE,GPAC, Inc., 57 F.34 1573, 35 U.S.P.Q.24 1116, (1984). See Striviller, Ire v. Account Cour., 713 F.24 1530, 1538 (Fed. Cir. 1983) 1121 (Fed. Cir. 1995).

Courts consider commercial success of an invention because. "had the invention been Court has long recognized the relevance of commercial success. For example, in Grahum Y. commercial response to an urrendon is emitted to fair weight. I.g. at 17- $\{8,35-36, {\bf Ext. align}$ lo<u>bn Deett Ca.</u>, 383 U.S. 1 (1966), the Court meted that commercial success is an indicatro obvious, inventors would have produced it earlier to resp the menetary rewards." Indian Hend Indus. v. Jed Smith Equal, 859 F. Supp. 1095, 1105 (F.D. Mich. 1994). The Supre Lindensem Maschinsnföndt, Genbil v. American Hoist & Derrick, 730 F.24 1452, 1461 of non-obviousness that gruss be considered in a patentability analysis and that the

determention of non-obviousness. For example, in <u>Fronson v. Advanca Offsel Plats.</u> 755 F.2d 1549 (Fed. Cit. 1985), the court held that the parented inventon's market-dominating Federal Circuit decisions regularly rely on evidence of commercial success for a

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snycosion was so obyrous from the prior art, then the copier could use the prior art and would not need to use the inventors. Azz Kutrz. Belle Har Linius, 280 F. 277, 281 (7d Cir. 1972) ert. Amied. 477 U.S. 905 (1986). The reason for the importance of this factor is that if the 1988) ("[C]opying the claimed invention, rather than one in the public domain, is indicative of unobvioumess 7. See Windswing It.1.1 v. AME. 782 F.2d 995, 1000 (Fed. Cir. 1986), ("The imitation of a thing patented by a defendant, who denses invention, has often been regarded . . . as conclusive evidence of what the defendant thinks of the patern, and persussive of what the rest of the world ought to think").

Compilished Rubbet Ing. 220 U.S. 423 (1911), the Supreme Court viewed such copying of a In a number of cases, courts have considered deliberate copying of the urventor's device by the defendant as evidence supporting patentability. In Dismand Bubber 3, nanow patent citim in a "crowded art" as sagnificant.

The proot at was open to the [Defendani] Rubber (Coopany. That "ast was crowded," it says, "with numerous prototypes and predecessors, of the Grant ture," and they, it is ansated, parseased all of the qualities which the dreams of experts attributed to the Grant [The And yet the public rouppay uses the Grant ture, if gives the robust of its praises to the prior act, but gives the Grant tere the tribute of its maintaire, as others have done.

<u>IA 21 441; recolor Pinto Elegga v. Etaciand.</u> 581 F.2d 772, 782 (9th Cit. 1978) ("The Court properly considered Ferrex's copying of Photoelectronic's machine as evidence of nonobvicusness ).

> Numerous decisions rely upon facts showing a long-falt need for an invention, and the fallure of others to meet that need, as evidence probative of patentability. See, e.g., Goodkea

261 U.S. 45, 53-54, 68 (1923); Gazal Northern Com. v. Henry Molded Prods., 864 F. Supp.

865 (E.D. Wis. 1994). As one court noted:

Tire & Rubber V. Bay, O.—Vig. 321 U.S. 275; Elbel Process v. Minnessia & Onindo Padsa.

claimed in the patent." Demass Com. v. E. Von Langadoff Licensing, 851 F.2d 1387, 1392

sbowing that the product that "is commercially successful is the invention disclosed and

(Ped. Cr. 1988), per denied, 488 U.S. 956 (1988); see also Rite-Kile: Corp. V. Keller Co.

629 F. Supp. 1942. 231 U.S.P.Q. 161, 166, 169 (E.D. Wik. 1986) ("While ans can never be certain of the precise causal relationship of commercial success, nevertheless in this case, it

appeas from all of the evidence that the invention of the 1847 patent was a very significant

Betor 7, aff 4, 819 F.2d 1120 (Fed. Cir. 1987).

Elec. Prods. v. Gennark. Inc., 770 F.2d 1015, 1027 (Fed. Cir. 1985). This "nexus" between the commercially successful product and the envention is satisfied by the inventor sumply by

commercial factors unrelated to the technical quality of the patented subject matter." Cable

been due to the nature of the claimed irrendon, as opposed to other economic and

"[F]or commercial means of a product embodying a claimed invantion to have true relevance to the jistuz of non-obviousnies, that success must be shown to have in some way

from previously marketed products and its success was due to its importaine properties).

properties undermined arguments that the success was attributable to developments in stalefor

technology, especially when the related technology existed for a number of years before the 726 (Fed. Cir. 1990) (dierrict court found patentee's product was new and radically different

tprention. 1<u>d.</u> 21 1557-58; **ges alsa Gillitts,Co.,T.S.C.,Lointson & Son.,Inc.,** 919 F.2d 720,

odvinasnen. <u>Ses. E.S., Avid Group Intl. v. L.A. Gras Collismin,</u> 833 F.2d 1557, 1564 (Fod obvioumess, and is to be given proper weight 7t. Specialty Commonites v., Cabet Com., 845 7.24981, 991 (Fed. Clr. 1988) (The infinger "closely copied the invention in the patent. Cir. 1988) ("Copying is edditional evidence of non-obviousness"); Divinitiesh Corp. Y. (C) opymg the claimed invention, rather than one in the public domain,  $i^{-1}$  indicative of Century, Signs, 150 F.2d 675, 679 (Fed. Cor. 1988) ("Copying is an indicium of non-Numerors Federal Circuit decitions consider copying as avidence of non-

success and prevalent copying of the inventor. As shown by the Declaration, Applicant, in proviously a Decimation of Richard D. Bocher, the inventor, demonstrating the commercial less than three years, has made nearly \$20 million to sales to date of the mower embodying To demonstrate the enobviousness of Applicant's mower, Applicant submitted

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copying of the invention rather than copying the prior art reference that supposedly residened

One of the most relevant objective factors of non-obviousness is a competitor's

(Fed. Cir. 1995).

the invention obvious. Specialty Composites. "Cabal Com. 845 F.2d 981, 991 (Fed. Cir.

<u>la re Mainchar Parent Llúg.</u> 831 F. Supp. 1354, 1378 (N.D. III. 1993), <u>alf.d.</u> 71 F.3d 1573

The existence of an enduring, urmet need is strong evidence that the invention is novel, not obvious, and not antiquated. If propile the tribunating for a political end the best minds do not find it for years, that is predictal evidence—the kind that earl it to bought from a kinde expect, the kind that does not depend on fullible memories or dendrial inferences—of the state of

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DATE MAKED: FITCH MARKS INVENTORS F#82/1207 08/794,141 02/03/97 BEDNAR DAVID R PRICE MICHAEL BEST & FRIEDRICH 100 EAST WISCONSIN AVENUE MILWAUKEE WI \$3202-4108 APPLICATION NO. | PLING DATE

Please find below and/or attached an Office communication concerning this application or proceeding.

The underrigned is swallable for relephone consultation at any time. previous allowance of claims 7-9 and 11-20, is respectfully requested.

Accordingly, todependent claim 1 and dependent claims 2. 4-6 and 10 are allowable.

copled by at least two compeditors.

In view of the foregoing, allowance of claims 1, 2, 4-6 and 10, in addition to the

demonstrated by the commercial success of Applicant's lawn mower, which has now boen

course rough. Applicant's invantion is not just an arbitrary, minor improvement over the

prior art. Applicant's invention is a significent step forward in the art, as has boon

mower. Applicant has invented the fint rotary mower that is suitable for cutting a golf

pnor art, because a notary mower typicully requires substantially less maintenance than a recl

Invertion pertion of Applicant's specification, a transnoous improvement over the known

Applicant has invented a lawn mower that is, as explained in the Summary of the

and the commercial encesse and copying of the product embodying the invention.

The aforemenened Declaration establishes the nexus between the claimed invention effectively mow over undulating terram, a need which has not been met by any other product

Applicant's mower is not obvious, and that there is a long-felt need for a nower that can

the invention, and at least two competitors have attempted to appropriate a share of this The commercial success and copying of Applicant's product demonstrate that

market by copying the invention.

File No. 78209/9009

Michael Best & Friedrich LLP 100 East Wiscensin Average Milwankee, Wt 53202-4108 (414) 271-6560

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III. All communications regarding this application must give application number and batch number. Phease dinct all communications prior to tastance to Box 1850/16 FEE unless solvised to the commany.

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The drawdings Red on are acceptable.	table.			MICHAEL REGET & EUTENOVAL
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M Applicant NUST Button NEW FORMAL DITAWNES				3 78203/9009 056-006,000 F.35 MALLITY NO \$1210.00 03/07.
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(3) becausing changes required by the Notice of Draftsparach's Patent Drawing Review, PTO-948, attached hereto or to Paper No4	person's Patent Drawing Revi	new, PTO-948, att	acted hereto or	THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT.
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Inchising changes requeed by the attached Examiner's AmendmentiComment.	er's Amendment/Comment.			ΠΕ 6550Σ ΤΕ ΕΚ ΜΟΙ ΣΕ ΕΚ ΜΟΙ ΜΕΤΕΚΑΙΜΙΣΙΑΣ ΚΌΜΑ ΠΕΙ ΜΕ ΜΑΙΚΉΚΟ ΕΙΚΑΙ ΕΟ ΓΙΝΙΣΟ ΜΟΙ ΤΕ ΟΙ ΤΙΚΙΣΟΝΙΚΟΣ ΕΚ ΜΕΤΕΚΕ ΑΡΡΙΙΔΑΤΌΝ ΘΙΑΙΙ ΕΒ ΕΓΕΙΜΕΣΕΣ ΚΑ ΑΙΚΑΙ ΕΕΓΕΙΚΕΙΚΟΣΙ ΤΟ ΙΝΙΚΙΚΟΣΙ ΕΙΚΙΚΟΣΙ ΕΚΕΙΚΕΙΚΟΣΙ ΕΚΕΙΚΟΣΙΣ.
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Any response to this letter should belade, in the upper right hand ceneu, the APPLIC CODECISTINAL NUMBER, It applicant has received a flabete of Allowence and Ispare F and DATE of the NOTICE OF ALLOWANCE should also be included.	ght hand conter, the APPLIC to of Allowance and taxus fit a included.	CATION NUMBER (SERIES For Due, the ISSUE DATCH RUMDER	SENIES CATCH RUNDEN	A If the stalling is champed, pay twicts the amount of the FEE DUE when above and notify the Paler's and Trackmust Office of the Annya's stalling and an above, or Trackmust Office of the Annya's stalling and an above or trackmust Office of the Annya's stalling and a stalling
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PURSUART TO 37 CER 51.97(1)

CANG-TYPE ROTARY LASH MOWER

Filed: February 3, 1997 Examiner: Pozzuto, R.

Serial No. 88/794,141

Richard D. Rednar

Patent Appilcation of

In re

IN THE UNITED STATES PATENT AND THADEMARK OFFICE Group Art Unit 3671

Assistant Commissioner for Patenis Mishington, D.C. 20231

This paper is being filed for the purpose of having the attached reference ("Runes Botary Hower") placed in the file of the above-identified application pursuant to 37 CFH 51.97(i). Applicant believes that this reference is not material because it is cumulative to information already of record, but Applicant is filing this paper to assure compliance with Applicant's duty of candor. Applicant does not wish to abondon or withdraw this application.

Adoptetfully supmitted,

File No. 78209/9009

Hichael Beat & Friedrich L 100 East Wisconsin Avenue Hilweukee, WI 53202-4108 App

Page 2

Application/Control Number: 08/794,141
Att Unit: 3671

### DITTAILED ACTION

fu response to applicant's Information Disclosure Statement filed December 21, 1999 is
the following: The reference "Nunes Rolary Mower" did not include the necessary petition, 1449
or fee to have it considered, however, in pursuant with the applicant's request the reference has
been placed in the file.

### Conclusion

- Any inquiry concerning this communication should be directed to Robert Pezzuto at telephone number (703) 308-1012. The examiner can normally be reached Monday through Thursday from 7:09 am to 5:09 pru, Exetern Standard Time.
- If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor,
   Thomas B Will, can be reached on (702) 308-4078. The fax patone number for this Group is (703) 305-3597/8

Robert Pezzuto March 10, 2000

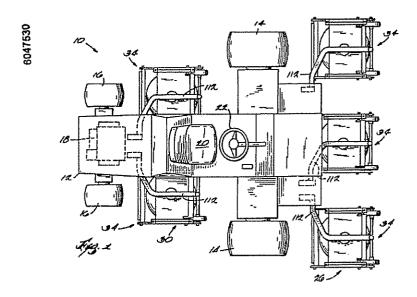
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Pleass find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Tradements







IN THE UNITED STATES PATENT AND TRADEMARK OFFICE GROUP ART UNIT NO. 3671

## SUBHISSION OF FORMAL DRAWINGS "GANG-TYPE ROTARY LAWN NOWER"

Filod: February J, 1997 Examiner: Persuto, R.

Serial No. 08/794,141

Patent Application of

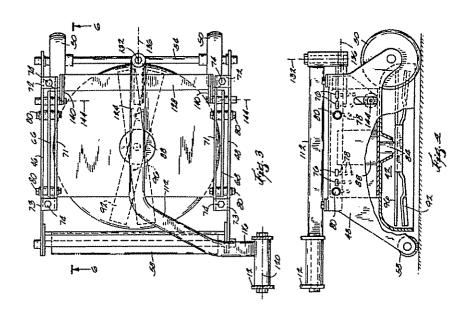
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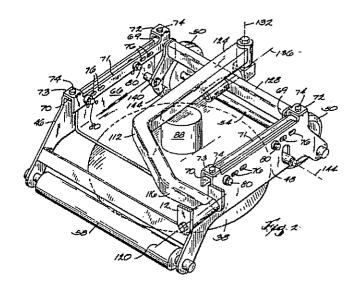
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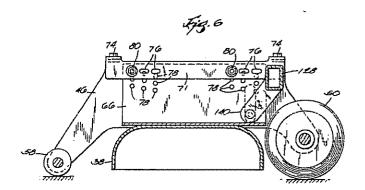
Enclosed for filling are the formal drawings for the above-identified application.

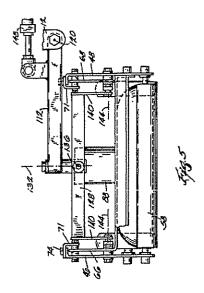
Entry of the enclosed drawings is respectfully

Michael Best & Friedrich LLP 100 East Misconsin Avenue Hilyaukee, HI 53202-4108 (414) 271-6560 File No. 78209/9009









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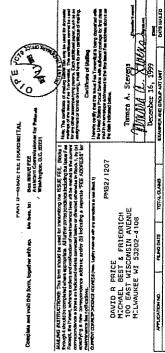
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